

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

December 2, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, December 2, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler and Mayor Ralph K. Smith-----4.

ABSENT: Council Members Alfred T. Dowe, Jr., C. Nelson Harris and Linda F. Wyatt-----3.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was the before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Dowe, Harris and Wyatt were absent.)

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: A communication from Council Member William H. Carder requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of Council Member Carder to convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Dowe, Harris and Wyatt were absent.) |

At 12:17 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a meeting of City Council, the Roanoke City School Board and Senator John S. Edwards, Delegate A. Victor Thomas and Delegate Clifton A. Woodrum, III.

The Council meeting reconvened at 12:20 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a joint session of City Council and the Roanoke City School Board with area representatives to the Virginia General Assembly.

CITY COUNCIL MEMBERS PRESENT: William H. Carder, C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

SCHOOL TRUSTEES PRESENT: F. B. Webster Day, Marsha W. Ellison, William H. Lindsey, Melinda J. Payne, Ruth C. Willson, and Gloria P. Manns, Chair-----6.

ABSENT: Robert J. Sparrow-----1.

LEGISLATORS PRESENT: Senator John S. Edwards, Delegate A. Victor Thomas, Delegate Clifton A. Woodrum, III; Allison Baird, Legislative Aide to Senator Edwards; Brian Shephard, Legislative Aide to Delegate Thomas; and Christine Meredith, Legislative Aide to Delegate Woodrum.

STAFF PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance, Mary F. Parker, City Clerk; Willard N. Claytor, Director of Real Estate Valuation; Troy A. Harmon, Municipal Auditor; Rolanda A. Johnson, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; George McMillan, Sheriff; Christopher Slone, Communications; Barry L. Key, Director of Management and Budget; Dr. E. Wayne Harris, Superintendent, Roanoke City Public Schools; Richard L. Kelley, Assistant Superintendent, Roanoke City Public Schools; Cindy Lee, Clerk, Roanoke City School Board; Scott Meadows, Coordinator of Marketing and Community Engagement, Roanoke City Public Schools.

Also present was Thomas A. Dick, City of Roanoke Legislative Liaison.

LEGISLATION-SCHOOLS-COUNCIL: On behalf of the School Board, Chairperson Manns expressed appreciation for the opportunity to meet with Council and the City's representatives to the General Assembly to discuss school-related issues which continue to be a challenge.

Mr. Dick presented a brief overview of the City's 2003 Legislative Program, as follows:

1. **Roanoke Civic Center, Amphitheatre and Stadium Improvements Funding** - The City's civic events infrastructure - the civic center, amphitheatre and stadium - require substantial investment to meet the needs of the community. The City has funded \$21.2 million in improvements to the Civic Center and the construction of a new stadium/amphitheatre. The next phase of improvements to the Civic Center will involve construction of new exhibit space and additional improvements to cost \$14.9 million. Additional flexibility in the local funding mechanisms allowed by the State to cover debt service for those projects is needed. The legislature should grant authority to allow any locality the discretion to levy its admissions tax at designated public facilities at a higher

rate than is applicable elsewhere in the locality. Such a provision would allow the locality to impose a lower admissions tax rate at privately owned facilities.

2. Two-Tiered Real Estate Tax Authority – To improve opportunities for development and redevelopment, the City requests authority to impose a two-tiered real estate tax. Such authority, which the General Assembly has already granted the City of Fairfax, would be permissive and allow the City to tax the improvements to real property at a separate rate (but not exceeding) the rate on the real property itself. Authority to impose a tax rate on the improvements to the property at a lower rate than that on the real property would create much needed additional incentives for investment in the City.

3. Liens Against Real Estate for Unpaid Water Bills – Roanoke requests legislation to allow the City to place a lien against real estate in order to collect unpaid water bills. The City already has this authority with regard to sewer bills. Section 21-118.4 of the Code of Virginia grants this power to localities that have created sanitary districts, §15.2-5139 provides this power to public service authorities and §15.2-2118 grants this authority to 16 additional localities. The City requests that it be added to the localities with this authority under §15.2-2118.

4. Civil Penalties for Inoperable Motor Vehicles and Trash and Weed Violations- To address the problem of blight in the City and other localities in the State, legislation is needed to allow localities the flexibility to impose civil penalties for violations of inoperable motor vehicles and local trash and weed removal ordinances.

5. Absentee Landlord Representation – Section 55-218.1 of the Code of Virginia requires property owners who own four or more units in the Commonwealth of Virginia, but do not reside in the Commonwealth themselves, to maintain an agent who is a resident of the State. It is difficult to serve summons and other notices

on property owners who do not live in the same locality, delaying action to address blight. The General Assembly is requested to amend this Code section to require that the property owner's leasing agent or representative operate in the same locality as the property or in an adjacent locality.

6. Study of Delinquent Tax Sale Process – The process to sell or transfer property with delinquent real estate taxes is difficult and time consuming. The General Assembly is requested to study ways to streamline this process that would include, among other things, looking at the process utilized in other states.

Other Legislative Priorities

Mr. Dick reviewed the following items that are a carry over from the 2002 General Assembly Session that the City would like to address in the up coming session:

1. Opposition to Restrictions on Local Zoning Authority – The City opposes any legislation such as HB 1212, introduced during the 2002 General Assembly, that would limit the authority of the City to restrict certain types of housing in certain areas of the City.

2. Opposition to Biosolids Restrictions – The City opposes legislation such as SB 618, also introduced in the 2002 General Assembly, that would allow localities to restrict or prohibit the application of biosolids in the locality.

3. Support for Virginia First Cities Coalition - As a member of Virginia First Cities, a group of 15 of the State's older cities, Roanoke supports the broad legislative objectives of this coalition, including: restructuring the State's tax system to raise State tax revenues to generate the additional funding required annually for education, transportation and human services; the adoption of an urban policy and smart growth strategies and holding older, core cities harmless from any budget balancing actions because of the fiscal stress they are facing.

Mr. Dick expressed appreciation to area legislators and their legislative aides and advised that the City continues to count on the strong legislative leadership of its delegation; the City of Roanoke is appreciative of past efforts on its behalf and looks forward to working with area legislators during the 2003 session of the Virginia General Assembly.

School Trustee F. B. Webster Day presented the School Board's 2003 Legislative Program, which is summarized as follows:

School Board Legislative Priorities:

Major legislative priorities, listed in priority sequence, by the Roanoke City School Board for the State are:

To improve its share of funding public education based on the results of the JLARC study

To communicate to legislators that any reduction in State funding must be made through an across-the-board budget reduction rather than reductions in specific programs

To enhance the State's support of school capital outlay projects through a permanent funding source for school construction and debt service requirements that will fund 55 per cent of school construction needs over the next five years. (This legislative issue has been adopted by the seven school boards and governing bodies who are members of the Roanoke Valley School Boards Consortium as a funding priority for FY2003-04)

To maintain local governance over K-12 educational and administrative issues

To continue to support standards and consequences for school accreditation that are non-punitive in nature

To address student safety and discipline issues through additional funding and program support, and

To provide incentives for the recruitment and retention of teachers and principals

Mr. Day further advised that legislative outcomes include State lottery funds, State incentive funds, SOL remediation and in-service, teacher salary improvement and maintenance of local control; Roanoke City outcomes include increased teacher salaries, enhanced principal recruitment, small class size, increased teaching positions, additional preschool classes, and renovation and improvements to middle and elementary schools.

He reviewed a chart illustrating State revenue increases from fiscal year 1998-99 to fiscal year 2002-03. He also reviewed legislative priorities which include: improve State funding, avoid program reductions, fund school construction needs, maintain local governance, support non-punitive consequences, address student safety and discipline, and provide recruitment incentives. Funding priorities include: teacher salaries, school staffing ratios, preschool programs, truancy programs, alternative education, school resource officers, school security equipment, recruitment incentives - scholarships, internships, financial incentives.

He explained Standards of Quality shortfalls, i.e.: Roanoke's actual average teacher salary is \$5,100.00 more than State SOQ average; class size ratios: State standard 25 to 1 vs. Roanoke City's at 18 to 1; support costs based on prevailing statewide costs not actual local costs (e.g. School Nurses 12.5 FTE in Roanoke City but State only pays for 3.5 FTE.)

Mr. Day advised that legislative outcomes are: SOQ recognizes actual cost to locality for average teacher salary using national average as the basis; SOQ support costs based on more realistic costs for urban school districts, State share improved for preschool, alternative education, truancy, school safety personnel and equipment; State developed and funded recruitment incentives; State support of technology operating and replacement cost; and State established trust fund for 55 per cent of school construction needs. Insofar as legislative outcomes/budget reductions, any State budget reductions for K-12 must be across the board rather than by program.

The City Manager advised that some City departments, or agencies, have already experienced reductions in their current year's operating budgets as a result of the Governor's first round of budget cuts, and on December 20, the Governor will present his proposed budget, which will contain additional cuts, possibly in education, public safety and certain other areas. She stated that she, along with Council Member Carder, represent the City of Roanoke on the Virginia First Cities

Coalition which has held numerous discussions about how to address budget shortfalls, and the Coalition has not only made a recommendation that budget cuts occur where they have actually been identified at the State level, but the Coalition will support tax increases in certain areas in order to provide additional funding for education and transportation, which are two very crucial areas. She stated that the City of Roanoke will be represented in Richmond on December 20 when the Governor announces his proposed budget, and members of the City's delegation to the General Assembly, First Cities Coalition representatives and school representatives will be invited to a meeting following the Governor's General Assembly pronouncement, in order to begin discussions with regard to what the proposed reductions mean for Roanoke as a locality. She advised that the condition of the Commonwealth of Virginia needs to be addressed, Virginia is not the only state that is going through these times of budget adjustments, the economy is something that in many respects is beyond our control, but until the impact of budget reductions are made obvious to the citizens, no long term solution will be found. She stated that it is going to be a painful year, but asked that City Council, the School Board and their respective staffs, along with the City's delegation to the General Assembly, assume a united front in the wake of difficult positions that will have to be made.

Mr. Carder expressed concern that budget cuts in education will hurt those children who can least afford it--the at risk K-12 students--which represents 47 percent of the school population in our cities.

Dr. Harris advised that starting in November, in preparation for what clearly is the most difficult budget study and budget season in the last 12 years, the School Board began to review operations so that when it is time to make those difficult budget decisions, there will be a better foundation on which to build. He stated that it is important to remember the good times and use these difficult times as an opportunity to do a better job, although it will be difficult to do a better job if significant revenue is lost. He concurred in Councilman Carder's remarks, and advised that through recognition of the disparity in the City of Roanoke, certain incentive programs have allowed the City to gain about \$4.5 million. He urged that the General Assembly preserve the opportunity for the locality to make the necessary cuts, because the City would not begin by cutting funds in those areas that would affect those students who are most in need. He stated that quality education is one of the greatest economic development tools of a locality, the City of Roanoke, along with its legislative representatives, are committed to a quality education system, and the School Board and its Administration will do the very best they can with what they have to work with.

The Mayor opened the floor for remarks by legislators.

Senator Edwards called attention to the severity of the funding crisis, which among other things, can be attributed to the capital gains tax increase that was applied as if it would continue indefinitely, and instead of investing the funds, the car tax cut was enacted. He stated that once the car tax was phased in, there was no formula in the State Code for a tax roll back, therefore, the State is in a situation where the car tax rebate is continuing to drill a hole in the budget. He stated that he has been advised that the shortfall in this biennial budget will be approximately \$1.8 - \$2 million, the car tax reimbursement will be about \$1.8 and continues to increase. He advised that last year, the Governor and the General Assembly worked to preserve public education; however, in addition to safety measures, higher education, was dramatically cut, some State employees lost their jobs, the extension program was drastically cut, the price of college tuition has gone up 20-25 per cent, and the Virginia Department of Transportation Six Year Plan was revised and is currently unfunded. He stated that on December 20, the Governor will announce his proposed budget by cutting approximately \$1 - \$1.4 billion, however, the question is, where will the cuts occur when keeping in mind that only about 26 per cent of the state's budget is cuttable. He noted that it has been stated by some persons that there is no way to balance the budget without some type of recommended enhancement programs so as not to cut grades K-12, or public safety, or mental health, or Medicaid and other important programs. He added that the Commonwealth of Virginia is at a crisis situation, and unless it begins to get a handle on the situation, there will be a dismantling of government and disinvestment in the future. He expressed concern with regard to services provided by government and referred to newspaper articles about Commonwealth's Attorneys being forced to lay off assistants, therefore, misdemeanors are not being prosecuted in court and the most basic and core services of the Commonwealth--public safety and public education are being threatened? He expressed concern that constituents are not looking at the situation as responsible citizens who should be concerned about today as well as the future; and the list of budget cuts go on and on, therefore, it is imperative to get the message out so that citizens will understand the state's crisis situation.

Delegate Thomas referred to improvements in the City's School system over the past several years under the leadership of Superintendent Harris. He expressed concern with regard to the state of the Commonwealth which is at its worse during his 29 years of service on the General Assembly; and advised that citizens of the Commonwealth must be made to understand the seriousness of the budget crisis. He stated that something needs to be done to ensure that funding for education, grades K-12, is not cut. He stressed the importance of looking at steps that need to

be taken, even if the court system has to be used to make it happen, because the worst is yet to come, and the seriousness of the funding crisis must spread across the Commonwealth of Virginia in an effort to encourage citizens to speak out. He expressed appreciation to Council for its leadership and pledged to work with the City of Roanoke to address funding issues.

Delegate Woodrum concurred in the remarks of Delegate Thomas regarding Roanoke's school system and commended the work of its Superintendent. He stated that Members of Council serve on the front lines of democracy and should also be commended for the services they provide at the local level. He stated that in January, the General Assembly is going to have to make a decision, because there is a level of government services that is not supported by the level of government revenue, and a decision must be made to either downsize government to a point where it meets available revenue, or increase revenue to maintain a reasonable level of government services, and he, personally believes that there is a need to increase revenue through additional taxes. He stated that last year, he co-sponsored a budget amendment to roll back the car tax to 47.5 per cent, which would have provided for the biennial approximately \$680 million for education, however, unfortunately, the amendment received only 22 votes out of 100 in support on the floor of the General Assembly. He stated that when localities advocate for something, representatives need to look their Delegates straight in the eye and inquire as to what the State plans to do to raise revenues to fund programs. He advised that an increase in taxes is only one way to increase revenue and the Commonwealth of Virginia will have to come to that realization. He referred to the hardship on citizens of the Commonwealth as a result of the closing of some of the DMV offices, the Roanoke office operates four days a week and because the Bedford and Rocky Mount offices were closed, citizens from those localities are forced to conduct their DMV business at the Roanoke office, which has generated approximately 60,000 more customers. He stated that he used the DMV office closings to call attention to the fact that citizens of the Commonwealth are looking at a different level of government service unless something is done.

Council Member Bestpitch expressed appreciation to Senator Edwards and Delegates Thomas and Woodrum for their honesty and candidness. He emphasized that the City Manager has required all City departments to develop strategic business plans to ensure that the City's workforce is operating with the most efficiency and the highest level of productivity. He stated that in the 2001-2002 fiscal year budget, Council cut positions and/or left other positions unfunded in the hope that at some point in the future the budget situation will improve and the City will be able to recruit and again fill those positions. He advised that the City has maintained its tax base on the revenue side locally, while trying to be as prudent and

responsible as possible on the expenditure side in making decisions. He stated that everyone should continue to work together and come up with an alternative proposal so that Virginia will not go from being one of the lowest tax states in the country to one of the highest tax states, but enact minor adjustments where they might be needed. He stated that there must be something that could be done that would not prove to be onerous for anyone and would solve the problem.

The Mayor advised that in the November election, approximately one million people in a northern Virginia referendum said they did not want an increase in taxes. He stated that if there are tax increases at the General Assembly level, they will be relatively small which means that revenue will not be at a level to satisfy the needs. He spoke in support of looking at ways to be more efficient, or ways to better utilize available funds.

Council Member Cutler inquired as to what extent the Virginia First Cities Coalition has developed a larger coalition of other organizations.

Council Member Carder advised that Virginia First Cities has been careful to not represent itself as the champion of all causes and has adopted a specific initiative, thus, First Cities can be more effective by selecting those issues to partner with that are specific to the needs of localities.

The City Manager inquired as to the best way to communicate with constituents; whereupon, Delegate Woodrum advocated coalition building with groups affected by budget cuts in such categories as education, mental health, medical facilities, etc. He suggested that coalitions be built in any parallels between the problems occasioned by urban centers and extreme rural areas, problems of poverty, the school dropout rate, and others.

With reference to earlier remarks of the Mayor as to the referendum that failed in northern Virginia, Council Member Wyatt advised that exit polls indicate that the reason the referendum failed was not because citizens were against paying more taxes, but instead they did not trust the General Assembly to do what it is supposed to do with funds from increased taxes. She asked that the record reflect both sides of the perspective.

At 1:55 p.m., the Mayor declared the meeting in recess until 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, December 2, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend David J. Fuller, Missions Pastor, Church of the Holy Spirit.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT-CITIZEN OF THE YEAR: Mr. Cutler offered the following resolution recognizing George A. Kegley as the City of Roanoke's 2002 Citizen of the Year:

(#36143-120202) A RESOLUTION naming George A. Kegley as Roanoke's Citizen of the Year for the year 2002.

(For full text of Resolution, see Resolution Book No. 66, page 535.)

Mr. Cutler moved the adoption of Resolution No. 36143-120202. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

On behalf of the citizens of the City of Roanoke and the Members of City Council, the Mayor presented Mr. Kegley with a ceremonial copy of the above referenced measure.

ACTS OF ACKNOWLEDGMENT-DECEASED PERSONS: Mr. Carder offered the following resolution memorializing Ms. Adelaide Fisher, a long time resident of the Roanoke Valley and former Public Information Officer for the City of Roanoke.

(#36144-120202) A RESOLUTION memorializing the late Adelaide (Laddie) Fisher, a longtime Roanoke Valley resident.

(For full text of Resolution, see Resolution Book No. 66, page 537.)

Mr. Carder moved the adoption of Resolution No. 36144-120202. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

SISTER CITIES: Beth Neu, Director, Economic Development, advised that Mayor Ralph K. Smith led a delegation of citizens from Roanoke to Roanoke’s Sister City of Wonju Korea, on October 22 - November 2, 2002. She stated that Roanoke and Wonju have enjoyed a Sister City relationship for 38 years, many exchanges have taken place over those years, and as a part of his visit, Mayor Smith focused on economic development, made business contacts and a medical exchange was included as a part of the mission. She advised that approximately 40 business persons from Wonju attended a Chamber of Commerce meeting, at which time she and Mayor Smith gave a power point presentation, including an overview of the Roanoke economy, major businesses located in the Roanoke Valley, the Roanoke Center for Industry and Technology, and the South Jefferson Redevelopment area and Biomedical Park, etc. She further advised that a meeting was held with the President of Sangli University, which shares a sister college relationship with Virginia Western Community College; the delegation visited the Hyundai Headquarters in Seoul, Korea, and met with a representative of the Virginia Economic Development Partnership in Seoul; a presentation was made to the Korean Trade Authority, headquartered in Seoul; and follow up visits with certain firms have begun.

Dr. Robert Roth, President, David K. Lisk, Executive Director, Roanoke Sister Cities, Inc., and Jack Tompkins, Vice-President, Roanoke/Wonju Sister City Committee, also spoke in connection with the Roanoke/Wonju Sister City relationship. It was noted that an exchange program has been established between Lewis Gale Hospital in Salem and Wonju Christian Hospital, in 2003, doctors from Wonju will visit Lewis Gale Hospital to participate in an exchange program and in 2004, doctors from Lewis Gale are scheduled to visit Wonju Christian Hospital.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

DONATIONS/CONTRIBUTIONS-WESTERN VIRGINIA FOUNDATION FOR THE ARTS AND SCIENCES: A communication from the City Manager requesting that Council schedule a public hearing for Monday, December 16, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to donation of property described as Official Tax No. 4010217, to the Western Virginia Foundation for the Arts and Sciences, in connection with the Art Museum-IMAX Theatre, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-BUILDINGS/BUILDING DEPARTMENT-INDUSTRIES-YOUTH-TRANSPORTATION SAFETY-HUMAN DEVELOPMENT COMMITTEE: The following reports of qualification were before Council:

Judy O. Jackson as a member of the Human Services Committee, for a term ending June 30, 2003;

John W. Brown, Jr., and Rick Clark as members of the City of Roanoke Transportation Safety Commission, for terms ending October 31, 2006;

Dennis R. Cronk as a Director of the Industrial Development Authority, for a term ending October 20, 2006;

Ashley Johnson as a member of the Youth Services Citizen Board to fill the unexpired term of Duriel M. Wood, ending May 31, 2003; and

Barry W. Baird as a member of the New Construction Code, Board of Appeals, for a term ending September 30, 2007.

Mr. Cutler moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

HUMAN DEVELOPMENT-WORKFORCE INVESTMENT ACT: Glenn D. Radcliffe, Director, Human Services, introduced a briefing with regard to the Workforce Investment Act Services program. He advised that in 1998, Congress enacted legislation establishing the Workforce Investment Act which replaced the Joint Training Partnership Act and initiated new mandates and requirements, one of which relates to administration and appointment of a Board of Directors composed of representatives from jurisdictions in the Fifth Planning District. He introduced Bruce M. Wood, Executive Director, Workforce Investment Act Services.

Mr. Wood advised that the Western Virginia Workforce Development Board is governed by a volunteer board of directors responsible for developing policy and overseeing local workforce development initiatives in partnership with local elected officials; members are appointed by the chief local elected officials from eight

jurisdictions, which membership includes representatives from business, education, community-based organizations, economic development, public employment services, public assistance agencies, vocational rehabilitation and labor organizations; and membership is drawn from individuals who have policy-making authority.

He advised that the Workforce Development Board serves as a point of contact for business, industry and the public sector to communicate their workforce needs, promote strategies to encourage lifelong learning and improve workplace skills; the Board assists in the development of new training programs to benefit the area's workforce, and conduct planning, oversight and evaluation of local workforce development programs including Workforce Centers; and coordinates efforts and activities with economic development to promote the area's availability of qualified workers and to promote cooperation among business and the public sector.

Mr. Wood explained that Workforce Centers are located in the City of Roanoke, Franklin County, and the City of Covington and serve the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke and the Cities of Covington, Roanoke and Salem. He stated that Workforce Centers offer individuals a full assortment of career planning services including job listings, vocational training, job referral, job seeking workshops, resume writing, job appointments, unemployment insurance, copier and fax service, job search assistance, job seeker skills workshops, on-the-job training, work experience, GED classes and testing, educational opportunities, youth vocational training, supportive services and local educational facilities and program referral. He stated that Workforce Centers offer businesses a wide range of value-added services, including applicant screening, applicant referrals, on-the-job training, work keys assessment, skill proficiency testing, pre-employment assessment, pre-employment training, labor market information, area wage surveys, small business assistance, entrepreneurial training, job postings, computerized skills-based matching, tax credits for hiring eligible employees, prevailing wage information, economic trends and other business resources.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-BUDGET-DONATIONS/CONTRIBUTIONS: The City Manager submitted a communication advising that as the horrific events of September 11, 2001, were taking place all law enforcement agencies were forced to evaluate their response to acts of terrorism; the Roanoke Police Department has taken a pro-active approach to reduce the risk, and subsequently prepare the community for such threats; the mission of the Police Department's Homeland Defense Initiative is to assist organizations in the private, public, and government sector with awareness and understanding of combating terrorism through teamwork and partnerships; the Police Department has developed and offers to Roanoke Valley police officers a 40 hour block of instruction which focuses specifically on domestic preparedness through deterrence and combating terrorism; and additional specialized training has been identified in an effort to provide officers with adequate training to enhance their ability to prepare jurisdictions.

It was further advised that The Allstate Foundation has offered to donate \$15,000.00 to the Police Department to offset expenses incurred from providing this specialized training; and City Code Section 2-263 requires action by Council to approve acceptance of gifts exceeding \$5,000.00 in value.

The City Manager recommended that Council authorize acceptance of \$15,000.00 for Homeland Defense training from The Allstate Foundation, with appreciation; and that Council further authorize appropriation of funding in Account No. 001-640-3114-2064, with a revenue estimate in the same amount to be established in the General Fund.

Mr. Carder offered the following budget ordinance:

(#36145-120202) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of the ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 539.)

Mr. Carder moved the adoption of Ordinance No. 36145-120202. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

(#36146-120202) A RESOLUTION authorizing the City Manager to accept the donation of \$15,000 from The Allstate Foundation for use by the City of Roanoke Police Department for specialized Homeland Defense training, and expressing appreciation for such donation.

(For full text of Resolution, see Resolution Book No. 66, page 540.)

Mr. Bestpitch moved the adoption of Resolution No. 36146-120202. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

Council Member Cutler suggested that Police Officer Eric A. Horne be invited to a future City Council meeting to present a briefing on Homeland Defense training.

CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES-ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that upon annual review of the Sewer Use Standards, staff identified one item which requires modification and a second item which requires clarification; recommendations include addition of language to allow for regulated industries to use time composite sampling and the second modification clarifies that regulated industries will submit surcharge information, upon written request of the Control Authority (Water Pollution Control Plant); the recommended changes will help reduce compliance burdens for regulated industries; and the Department of Environmental Quality has reviewed the recommended changes and classified the changes as minor and issued their approval.

The City Manager recommended that Council adopt revisions to the Sewer Use Standards, Code of the City of Roanoke (1979), as amended, Article III, Chapter 26, Subsections 26-55 (a) and (e), as more fully described in a proposed ordinance.

Mr. Dowe offered the following ordinance:

(#36147-120202) AN ORDINANCE amending and reordaining subsection (a) and (e) of §26-55, Measurement; sampling, etc., and report of discharges, of Chapter 26, Sewers and Sewage Disposal, Article III, Sewer Use Standards, Code of the City of Roanoke (1979), as amended, in order to clarify existing provisions of this Chapter

and make them consistent with other aspects of the program; which proposed amendments have been approved by the Virginia Department of Environmental Quality (DEQ); and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 541.)

Mr. Dowe moved the adoption of Ordinance No. 36147-120202. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

TAXES: The City Manager submitted a communication advising that on November 5, 2002, Virginians voted in favor of Constitutional Amendment #2 of Article X, Taxation and Finance, Section 6, Exempt Property, which amendment transfers the responsibility of determining tax exempt property from the General Assembly to the local governing body, effective January 1, 2003.

It was further advised that the City's current policy regarding supporting requests of non-profit organizations to exempt certain property from taxation was adopted on February 18, 1992, and requires that such organizations agree to pay an annual service charge equal to 20 per cent of the real estate tax levy on the property to be exempted as a condition to receiving a resolution from City Council supporting the request for tax exemption to the General Assembly; and the General Assembly requires a resolution by the local governing body before processing a request for exemption.

It was explained that the constitutional amendment requires a modification to the City's current policy for supporting requests of non-profit organizations to exempt certain property from taxation; essentially, City Council will now have final authority for determining tax-exempt property for non-profit organizations; and although the policy redefines the process and has been reviewed by the Commissioner of the Revenue, the Director of Real Estate Valuation, and the City Clerk, further legislation may be forthcoming from the General Assembly which may require further amendment of the policy.

The City Manager recommended that Council approve a modified City policy regarding the determination of tax-exempt property.

Mr. Carder offered the following resolution:

(#36148-120202) A RESOLUTION adopting a new policy and procedure with respect to requests of certain non-profit organizations to exempt certain property from taxation pursuant to Article X, §6 (a)(6), of the Constitution of Virginia, repealing Resolution No. 30884-021892, adopted February 18, 1992, as amended by Resolution No. 35645-111901, adopted November 19, 2001.

(For full text of Resolution, see Resolution Book No. 66, page 542.)

Mr. Carder moved the adoption of Resolution No. 36148-120202. The motion was seconded by Mr. Dowe.

Following discussion, Council Member Carder inquired as to whether Council may require that those organizations, which petition the City to have their real property declared tax exempt, agree to pay, voluntarily, the service district tax currently imposed in two areas of the City (downtown and Williamson Road).

The City Attorney advised that he would research the matter and advise Council accordingly.

Resolution No. 36148-120202 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

TOWING CONTRACT: The City Manager submitted a communication advising that an invitation for bid for the City's Towing Contract was advertised in The Roanoke Times and the Roanoke Tribune; and a pre-bid conference was held September 23, 2002, and as a result of questions asked during that pre-bid conference, two addenda were sent to prospective bidders, one extending the deadline for receipt of bids from October 7 to October 28 and the other clarifying questions that were asked at the pre-bid conference; on October 28, 2002, two bids were received, one from Robert Young Towing and the other from Woods Service Center; and after reviewing the two bids, it was determined that both bidders responded in a way which is deemed to be "non- responsive"; reviewers had to make assumptions as to annual costs for both bidders inasmuch as both bidders provided bids in formats different than that requested by the City; City

representatives will meet with both bidders to discuss format so as to accurately compare bids in response to another Invitation for Bid; therefor, it is recommended that both bids be rejected and following a meeting with both bidders, the bid format will be revised and readvertised.

The City Manager recommended that Council reject all bids submitted for a City Towing Contract.

Mr. Carder offered the following resolution:

(#36149-120202) A RESOLUTION rejecting all bids for a City of Roanoke Towing Contract.

(For full text of Resolution, see Resolution Book No. 66, page 543.)

Mr. Carder moved the adoption of Resolution No. 36149-120202. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-TAXES-REAL ESTATE VALUATION: The City Attorney submitted a written report advising that Section 32-39, Code of the City of Roanoke, (1979), as amended, authorizes the Circuit Court to appoint annually three persons to serve one-year terms of office as a Board of Equalization for the City with authority to adjust, upon appeal, real property assessments; Section 58.1-3373, Code of Virginia, in the alternative, permits appointment by the Court of either three or five members to such a board, who would be appointed for staggered terms of three terms (initial appointments would be for terms of one, two, and three years in order to implement the staggered terms), in an effort to create an on-going or “permanent” board; and “permanent” board would have the advantage of helping to ensure that one or more members of the board are experienced in their work, and will also help to ensure continuity.

It was further advised that the Director of Real Estate Valuation supports creation of a “permanent” board; the choice of appointing Board of Equalization members for annual, or three-year terms of office, is a policy issue for Council; whereupon, he transmitted a measure hat would amend §532-39 and create a “permanent” Board of Equalization for consideration by Council.

Mr. Bestpitch offered the following ordinance:

(#36150-120202) AN ORDINANCE amending §32-39, Board of Equalization, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, by changing the terms of appointment of members to the Board of Equalization; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 544.)

Mr. Bestpitch moved the adoption of Ordinance No. 36150-120202. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----/-----0.

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of October 2002.

Council Member Cutler inquired if the purchase of water from Roanoke County and the City of Salem are about to taper off as the water level begins to rise at Carvins Cove. The City Manager advised that the City continues to purchase water from Salem and Roanoke County, no bill has been received for the month of November, it is anticipated that water will continue to be purchased for an indefinite period of time, and as water availability improves, the City will look for opportunities to cut back on the volume of water which is purchased from surrounding localities. She stated that the City cannot continue, indefinitely, to use retained earnings to fund monthly water bills from other localities and in all probability, Council will be requested within the next six to eight weeks, to establish higher water rates to address not only water projects, but additional capital projects that are necessary to ensure an adequate water supply for Roanoke's citizens, while the City continues to engage in discussions with Roanoke County relating to creation of an authority.

Without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

ZONING: Ordinance No. 36141, on second reading, amending certain conditions presently binding upon property bearing Official Tax No. 2761409, previously rezoned C-2, General Commercial District, by the adoption of Ordinance No. 32294-121994, and to rezone a portion of property bearing Official Tax No. 2761421, from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to proffered conditions contained in a Second Amended Petition filed in the City Clerk's Office on September 5, 2002, said property being located at the corner of Virginia Avenue and Westside Boulevard, N. W., having previously been before the Council for its first reading on Monday, November 18, 2002, read and adopted on its first reading and laid over, was again before the body, Mr. Dowe offering the following for its second reading and final and adoption:

(#36141-120202) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 276, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property bearing Official Tax No. 2761409, previously conditionally rezoned C-2, General Commercial District, by the adoption of Ordinance No. 32294-121994, and to rezone a portion of property bearing Official Tax No. 2761421 from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions.

(For full text of Ordinance, see Ordinance Book No. 66, page 534.)

Mr. Dowe moved the adoption of Ordinance No. 36141-120202. The motion was seconded by Mr. Carder.

Council Member Bestpitch advised that his position has nothing to do with the petitioner or his business. He stated that rezoning ordinances do not zone individuals, but they do zone property, and he believes that two important questions should be answered when considering rezoning requests; i.e.: (1) is it a building which needs to be rezoned in order to be continued in some productive way and would otherwise be likely to remain empty and fall into disrepair, or (2) is there a shortage of a particular type of property within the general area of the City where the rezoning is being requested. He stated that the answer to the first question is that

there is no commercial building at this location, so there is no possibility of the building falling into disrepair and not being used, and the answer to the second question is that there are approximately 34 C-2 properties within one-half mile of this location that are either vacant or under utilized and approximately 80 properties within one mile. He advised that he is surprised that no small business owners and/or commercial property owners have protested these types of rezoning applications, because the affect of approving the ordinance under consideration is that it makes it that much harder for those property owners who have existing C-2 property to find someone who is willing to either lease or purchase their property at what the property should be worth.

Council Member Wyatt advised that she believes that a person's word is their bond. She stated that she served on Council when Mr. Wells gave his word that he would request only one exception, but he has repeatedly returned to the Council requesting further expansion of his business. She advised that out of compassion for Mr. Wells as a small business owner, she voted in favor of his previous request, but she is not inclined to support further expansion of his business.

Council Member Dowe advised that there are certain clear cut, black and white rules that help to assist in the governing of citizens, however, not everything falls within a specified parameter. He stated that he has been appreciative of the City's efforts to sustain businesses within the City of Roanoke and especially appreciative of the City's efforts in regard to small businesses that have opportunities to go elsewhere, but they have been able to sustain and to be successful in the City of Roanoke. He advised that the same principle used by the City to govern large entities in other sections of the City should also apply to the request of Mr. Wells and it would behoove Council to remain as consistent as possible.

Ordinance No. 36141-120202 was adopted by the following vote:

AYES: Council Members Carder, Cutler, Dowe, Harris, and Mayor Smith-----5.

NAYS: Council Members Bestpitch and Wyatt-----2.

CITY COUNCIL: Mr. Carder offered the following resolution canceling the work session meeting of City Council scheduled to be held at 12:15 p.m., on Monday, December 30, 2002:

(#36151-120202) A RESOLUTION canceling the work session meeting of City Council scheduled to be held at 12:15 p.m., on December 30, 2002.

(For full text of Resolution, see Resolution Book No. 66, page 545.)

Mr. Carder moved the adoption of Resolution No. 36151-120202. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY EMPLOYEES: Mr. Bestpitch offered the following resolution closing City offices on Tuesday, December 24, 2002, and providing for additional holiday leave for all City employees:

(#36152-120202) A RESOLUTION closing certain City offices on Tuesday, December 24, 2002, and providing for additional holiday leave for all City employees.

(For full text of Resolution, see Resolution Book No. 66, page 546.)

Mr. Bestpitch moved the adoption of Resolution No. 36152-120202. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

ZONING-COMMUNITY PLANNING: Council Member Wyatt inquired about the status of a proposed ordinance regulating tattoo parlors in the City of Roanoke; whereupon, the City Manager advised that the matter will be included on the next agenda of the City Planning Commission for consideration and referral to Council for appropriate action.

CELEBRATIONS: Council Member Carder called attention to the annual lighting of the City's Christmas Tree on Friday, December 6, 2002, at 5:30 p.m., at First Union Plaza, and the annual Christmas Parade on December 13, 2002, at 6:30 p.m.

PARKS AND RECREATION-LANDMARKS/HISTORIC PRESERVATION: Mayor Smith acknowledged the efforts of all persons responsible for activities associated with dedication of the historic plaque at the Mill Mountain Star on November 27 at 12:00 noon.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-REAL ESTATE VALUATION-CITY EMPLOYEES-WATER RESOURCES: Mr. Robert Gravely, 1728 Patterson Avenue, S. W., expressed dissatisfaction with wages paid to City employees, real estate assessment of properties in certain areas of the City, the City's high crime rate, and the City's water supply shortage.

CITY MANAGER COMMENTS: NONE.

At 4:00 p.m., the Mayor declared the meeting in recess for two Closed Sessions.

At 4:45 p.m., the meeting reconvened in the City Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Vice-Mayor Harris who left the meeting during the Closed Session.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-TRAFFIC: The Mayor advised that the terms of office of Julian H. Raney, Jr., and John B. Ferguson as members of the Court Community Corrections Program Regional Community Criminal Justice Board, expired on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Julian H. Raney, Jr., and John B. Ferguson.

There being no further nominations, Messrs. Raney and Ferguson were reappointed as members of the Court Community Corrections Program Regional Criminal Justice Board, for terms ending June 30, 2005, by the following vote:

FOR MESSRS. RANEY AND FERGUSON: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-ROANOKE NEIGHBORHOOD PARTNERSHIP: The Mayor advised that the terms of office of Robin Murphy-Kelso, Shirley M. Bethel and Carl D. Cooper as members of the Roanoke Neighborhood Partnership Steering Committee, expired on November 30, 2002, and called for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Robin Murphy-Kelso, Shirley M. Bethel and Carl D. Cooper.

There being no further nominations, Ms. Murphy-Kelso, Ms. Bethel and Mr. Cooper were reappointed as members of the Roanoke Neighborhood Partnership Steering Committee, for terms ending November 30, 2005, by the following vote:

FOR MS. MURPHY-KELSO, MS. BETHEL AND MR. COOPER: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-BLUE RIDGE BEHAVIORAL HEALTHCARE BOARD OF DIRECTORS: The Mayor advised that the term of office of Robert Williams, Jr., as a member of the Blue Ridge Behavioral Healthcare Board of Directors will expire on December 31, 2002, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Robert Williams, Jr.

There being no further nominations, Mr. Williams was reappointed as a member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2005, by the following vote:

FOR MR. WILLIAMS: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

There being no further business, the Mayor declared the meeting adjourned at 4:50 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
